

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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| In the Matter of:<br>City and County of San Francisco<br>San Francisco Public Utilities<br>Commission<br>1155 Market Street<br>San Francisco, California 94103<br><br>Respondent. | Docket HWCA20071289<br><br>CONSENT ORDER<br><br>Health and Safety Code<br>Section 25187 |
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1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and The City and County of San Francisco, San Francisco Public Utilities Commission which manages the Hetch Hetchy Water and Power system (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 1 Lakeside Drive, Moccasin, California 95347 (Site).

1.3. Inspection. The Department inspected the Site on August 26, 2004.

1.4. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.5. Full Settlement. This Order shall constitute full settlement of the violations

alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.6. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.7. Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. On or about August 26, 2004, Respondent did violate California Health and Safety Code, section 25143.2(d)(4) in that respondent failed to maintain records demonstrating the types of waste, locations of generation, and destination and date of transfer of hazardous wastes transferred between locations owned and operated by Respondent.

2.1.2. On or about August 24, 2004, Respondent did violate California Health and Safety Code, section 25189.2 in that Respondent did intend to cause the disposal of a hazardous waste to a location not authorized to receive hazardous waste by disposing of a container of latex paint in the garbage.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any

other conditions set forth in Section 5 (Penalty) below.

#### 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

#### 5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$3,000, of which

\$3,000 is a penalty.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

and

James J. Grace, Esq.  
Office of Legal Counsel  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: January 30, 2007

Original signed by Peter Dean  
Respondent

Peter Dean, Regulatory Specialist  
Printed Name and Title, Respondent

Dated: February 16, 2007

Original signed by Maria Soria  
Maria Soria, Unit Chief  
State Oversight and Enforcement Branch  
Department of Toxic Substances Control